

**2005**

**STATE OF NEBRASKA**

**STATUTES RELATING TO  
ADVANCED PRACTICE REGISTERED NURSE LICENSURE ACT**

**NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM**



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## STATUTES PERTAINING TO ADVANCED PRACTICE REGISTERED NURSE LICENSURE ACT

**71-17,131. Act, how cited.** Sections 71-17,131 to 71-17,141 shall be known and may be cited as the Advanced Practice Registered Nurse Licensure Act.

Source: Laws 2005, LB 256, §36. Operative date July 1, 2007

**71-17,132. Legislative findings and declarations.** The Legislature finds and declares that:

(1) Because of the geographic maldistribution of health care services in Nebraska, it is necessary to utilize the skills and proficiency of existing health professionals more efficiently;

(2) It is necessary to encourage the more effective utilization of the skills of registered nurses by enabling them to perform advanced roles in nursing; and

(3) The Advanced Practice Registered Nurse Licensure Act is established to encourage registered nurses to perform advanced roles in nursing.

Source: Laws 2005, LB 256, §37. Operative date July 1, 2007.

**71-17,133. Definitions, where found.** For purposes of the Advanced Practice Registered Nurse Licensure Act and except as provided in section 71-1708, the definitions found in section 71-1,132.05 shall apply.

Source: Laws 2005, LB 256, §38. Operative date July 1, 2007.

**71-17,134. Board of Advanced Practice Registered Nurses; members; qualifications; terms; removal; per diem; expenses.** (1) The Board of Advanced Practice Registered Nurses is established. The purpose of the board is to (a) provide for the health, safety, and welfare of the citizens, (b) ensure that licensees serving the public meet minimum standards of proficiency and competency, and (c) control the profession in the interest of consumer protection.

(2) (a) Until July 1, 2007, the board shall consist of (i) five advanced practice registered nurses representing different advanced practice registered nurse specialties for which a license has been issued, (ii) five physicians licensed under the Uniform Licensing Law to practice medicine in Nebraska, at least three of whom shall have a current collaborating relationship with an advanced practice registered nurse, (iii) three consumer members, and (iv) one licensed pharmacist.

(b) On and after July 1, 2007, the board shall consist of:

(i) One nurse practitioner holding a certificate under the Nurse Practitioner Act, one certified nurse midwife holding a certificate under the Nebraska Certified Nurse Midwifery Practice Act, one certified registered nurse anesthetist holding a certificate under the Certified Registered Nurse Anesthetist Act, and one clinical nurse specialist holding a certificate under the Clinical Nurse Specialist Practice Act, except that the initial clinical nurse specialist appointee may be a clinical nurse specialist practicing pursuant to the Nurse Practice Act as such act existed prior to July 1, 2007. Of the initial appointments under this subdivision, one shall be for a one-year term, one shall be for a two-year term, one shall be for a three-year term, and one shall be for a four-year term. All subsequent appointments under this subdivision shall be for four-year terms;

(ii) Three physicians, one of whom shall have a professional relationship with a nurse practitioner, one of whom shall have a professional relationship with a certified nurse midwife, and one of whom shall have a professional relationship with a certified registered nurse anesthetist. Of the initial appointments under this subdivision, one shall be for a two-year term, one shall be for a three-year term, and one shall be for a four-year term. All subsequent appointments under this subdivision shall be for four-year terms; and

(iii) Two public members. Of the initial appointments under this subdivision, one shall be for a three-year term, and one shall be for a four-year term. All subsequent appointments under this subdivision shall be for four-year terms. Public members of the board shall have the same qualifications as provided in subsection (1) of section 71-113.

(c) Members of the board serving immediately before July 1, 2007, shall serve until members are appointed and qualified under subdivision (2)(b) of this section.

(3) The members of the board shall be appointed by the State Board of Health. Members shall be appointed for terms of four years except as otherwise provided in subdivisions (2)(b) and (c) of this section. At the expiration of the term of any member, the State Board of Health may consult with appropriate professional organizations regarding candidates for appointment to the Board of Advanced Practice Registered Nurses. Upon expiration of terms, appointments or reappointments shall be made on or before December 1 of each year. Vacancies on the Board of Advanced Practice Registered Nurses shall be filled for the unexpired term by appointments made by the State Board of Health. No member shall serve more than two consecutive terms on the Board of Advanced Practice Registered Nurses.

(4) The State Board of Health has power to remove from office any member of the Board of Advanced Practice Registered Nurses, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetence, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a license or certificate in the member's profession involved may be suspended or revoked, for a lack of licensure or certification in the member's profession, or for other sufficient cause.

(5) Each member of the Board of Advanced Practice Registered Nurses shall receive a per diem of thirty dollars per day for each day the member is actually engaged in the discharge of his or her official duties and shall be reimbursed for travel, lodging, and other necessary expenses incurred as a member of the board pursuant to sections 81-1174 to 81-1177.

(6) The department shall adopt and promulgate rules and regulations which define conflicts of interest for members of the Board of Advanced Practice Registered Nurses and which establish procedures in case such a conflict arises.

Source: Laws 1996, LB 414, §27; Laws 2000, LB 1115, §42; R.S.1943, (2003), §71-1718.01; Laws 2005, LB 256, §39. Operative date July 1, 2007.

**71-17,135. Board of Advanced Practice Registered Nurses; duties.** The Board of Advanced Practice Registered Nurses shall:

(1) Establish standards for integrated practice agreements between collaborating physicians and certified nurse midwives, and nurse practitioners;

(2) Monitor the scope of practice by certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners;

(3) Administer and enforce the Advanced Practice Registered Nurse Licensure Act in order to (a) provide for the health, safety, and welfare of the citizens, (b) ensure that advanced practice registered nurses serving the public meet minimum standards of proficiency and competency, (c) control the profession in the interest of consumer protection, (d) regulate the scope of advanced practice nursing, (e) recommend disciplinary actions as provided in this section, and (f) enforce licensure requirements;

(4) Recommend disciplinary action relating to licenses of advanced practice registered nurses and certificates of certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners;

(5) Engage in other activities not inconsistent with the Advanced Practice Registered Nurse Licensure Act, the Certified Registered Nurse Anesthetist Act, the Clinical Nurse Specialist Practice Act, the Nebraska Certified Nurse Midwifery Practice Act, and the Nurse Practitioner Act; and

(6) Approve rules and regulations to implement the Advanced Practice Registered Nurse Licensure Act, the Certified Registered Nurse Anesthetist Act, the Clinical Nurse Specialist Practice Act, the Nebraska Certified Nurse Midwifery Practice Act, and the Nurse Practitioner Act, for adoption and promulgation by the department. Such rules and regulations shall include: (a) Approved certification organizations and approved certification programs; (b) continuing competency requirements. The requirements may include, but not be limited to, continuing education, continuing practice, national recertification, a reentry program, peer review including patient outcomes, examination, or other continuing competency activities listed in section 71-161.09; (c) grounds for discipline; (d) issuance, renewal, and reinstatement of licenses and certificates; (e) fees; (f) professional liability insurance; and (g) conflict of interest for board members.

Source: Laws 1996, LB 414, §28; Laws 2000, LB 1115, §43; Laws 2002, LB 1021, §56; R.S.1943, (2003), §71-1718.02; Laws 2005, LB 256, §40. Operative date July 1, 2007.

**71-17,136. License; issuance; department; powers and duties.** The department shall issue a license as an advanced practice registered nurse to a registered nurse who meets the requirements of subsection (1) or (3) of section 71-17,137. The department may issue a license as an advanced practice registered nurse to a registered nurse pursuant to subsection (2) of section 71-17,137.

Source: Laws 2005, LB 256, §41. Operative date July 1, 2007.

**71-17,137. License; qualifications; use of title.** (1) An applicant for initial licensure as an advanced practice registered nurse shall:

(a) Be licensed as a registered nurse under the Nurse Practice Act or have authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska;

(b) Be a graduate of or have completed a graduate-level advanced practice registered nurse program in a clinical specialty area of certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife, or nurse practitioner, which program is accredited by a national accrediting body;

(c) Be certified as a certified registered nurse anesthetist, a clinical nurse specialist, a certified nurse midwife, or a nurse practitioner, by an approved certifying body or an alternative method of competency assessment approved by the board, pursuant to the Certified Registered Nurse Anesthetist Act, the Clinical Nurse Specialist Practice Act, the Nebraska Certified Nurse Midwifery Practice Act, or the Nurse Practitioner Act, as appropriate to the applicant's educational preparation;

(d) Submit a completed written application to the department which includes the applicant's social security number and appropriate fees established and collected as provided in section 71-162;

(e) Provide evidence as required by rules and regulations approved by the board and adopted and promulgated by the department; and

(f) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction or, if such acts have been committed and would be grounds for discipline under the Nurse Practice Act, the board has found after investigation that sufficient restitution has been made.

(2)(a) Except as provided in subdivisions (b) through (d) of this subsection, the department may issue a license by endorsement under this section to an applicant who holds a license from another jurisdiction if the licensure requirements of such other jurisdiction meet or exceed the requirements for licensure as an advanced practice registered nurse under the Advanced Practice Registered Nurse Licensure Act.

(b) The department may issue a license as an advanced practice registered nurse by endorsement to an applicant who holds a credential equivalent to a nurse practitioner issued by another jurisdiction if such applicant holds a certificate or degree described in subdivision (3) of section 71-1717.

(c) The department may issue a license as an advanced practice registered nurse by endorsement to an applicant who holds a credential equivalent to a certified registered nurse anesthetist issued by another jurisdiction if such applicant meets the requirements of subdivision (4) of section 71-1730 as such subdivision existed on December 31, 1998.

(d) The department may issue a license as an advanced practice registered nurse by endorsement to an applicant who holds a credential equivalent to a certified nurse midwife issued by another jurisdiction if such applicant meets the requirements of subsection (1) of section 71-1755 as such subsection existed immediately before July 1, 2007.

(e) An applicant under this subsection shall submit a completed application to the department which includes the applicant's social security number, fees established and collected as provided in section 71-162, and other evidence as required by rules and regulations approved by the board and adopted and promulgated by the department.

(3) A person licensed as an advanced practice registered nurse or certified as a certified registered nurse anesthetist or a certified nurse midwife in this state on July 1, 2007, shall be issued a license by the department as an advanced practice registered nurse on such date.

(4) A person licensed as an advanced practice registered nurse in this state may use the title advanced practice registered nurse and the abbreviation APRN.

Source: Laws 2005, LB 256, §42. Operative date July 1, 2007.

**71-17,138. Renewal; requirements.** (1) The license of each person licensed under the Advanced Practice Registered Nurse Licensure Act shall be renewed at the same time and in the same manner as renewal of his or her certificate described in subdivision (c) of this subsection. Renewal of such a license shall require that the applicant have (a) a license as a registered nurse issued by the state or have the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska, (b) documentation of continuing competency, either by reference, peer review, examination, or one or more of the continuing competency activities listed in section 71-161.09, as established by the board in rules and regulations approved by the board and adopted and promulgated by the department, and (c) a certificate issued under the Certified Registered Nurse Anesthetist Act, the Clinical Nurse Specialist Practice Act, the Nebraska Certified Nurse Midwifery Practice Act, or the Nurse Practitioner Act.

(2) The department shall establish and collect fees for renewal as provided in section 71-162.

Source: Laws 2005, LB 256, §43. Operative date July 1, 2007.

**71-17,139. Disciplinary actions; grounds; procedure; appeal.** A license issued under the Advanced Practice Registered Nurse Licensure Act may be denied, refused renewal, revoked, suspended, or disciplined in any other manner for any violation of the act, for physical or mental disability or incapacity, for gross incompetence, or for any reason for which a license issued under the Nurse Practice Act may be denied, refused renewal, revoked, suspended, or disciplined. The methods and procedures provided in the Nurse Practice Act for opportunity for hearing, notice of hearing, presentation of evidence, conduct of a hearing, reinstatement, and related matters shall apply to disciplinary actions under this section. A decision to deny, refuse renewal of, revoke, suspend, or discipline a license as an advanced practice registered nurse may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 2005, LB 256, §44. Operative date July 1, 2007.

**71-17,140. Lapse of license; conditions; effect; restoration.** (1) An advanced practice registered nurse's license lapses if he or she (a) does not have a current license to practice as a registered nurse or has had his or her license to practice as a registered nurse denied, refused renewal, suspended, or revoked or (b) renews his or her license to practice as a registered nurse but does not renew his or her advanced practice registered nurse's license.

(2) When an advanced practice registered nurse's license lapses, the right of the person whose license has lapsed to represent himself or herself as an advanced practice registered nurse and to practice the activities for which a license is required terminates. To restore the license to active status, the person shall meet the requirements for renewal which are in effect at the time that he or she wishes to restore the license and shall pay the renewal fee and the late fee established and collected as provided in section 71-162.

Source: Laws 2005, LB 256, §45. Operative date July 1, 2007.

**71-17,141. Practice without license; effect on other license.** Any person practicing as an advanced practice registered nurse who does not hold a license as such issued by the department and who possesses a license to engage in any health profession for which a license is issued by the department may have such other license denied, refused renewal, suspended, or revoked or have other disciplinary action taken against such license by the department pursuant to the provisions of the Nurse

Practice Act or the Uniform Licensing Law relating to such profession, irrespective of any criminal proceedings for practicing without a license as an advanced practice registered nurse.

Source: Laws 2005, LB 256, §46. Operative date July 1, 2007.